

52



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,979	05/14/2001	Scott LeKuch	YOR920000700US3	9085

7590 05/18/2004

Harry F. Smith, Esq.
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
10th Floor
One Landmark Square
Stamford, CT 06901-2682

EXAMINER

NGUYEN, CHANH DUY

ART UNIT	PAPER NUMBER
----------	--------------

2675

DATE MAILED: 05/18/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,979

Applicant(s)

LEKUCH ET AL

Examiner

Chanh Nguyen

Art Unit

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on March 05, 2004 has been entered and considered by examiner.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
4. Claims 1-9, 12-13, 16-17 and 19-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kodama (U.S. Patent No. 6,417,844 B1) in view of Brown et al (U.S. Patent No. 4,430,526).

As to claim 21, Kodama discloses a storage medium (e.g., Figures 1-2) having computer readable program instructions embodied therein for selectively interpreting in a computing system including a handwriting input device (tablet 28, electronic pen 51) having an electronic pen input device (51) and a computing device (e.g., 21). Kodama teaches the storage medium including program instructions for detecting signal emissions having a first characteristic from a first tip of the electronic pen input device (see column 5, lines 20-26, column 6, lines 16-23, column 14, lines 37-65). Kodama teaches program instructions for selectively interpreting the detected signal emissions as handwriting (see column 6, lines 16-23) or as control information (e.g., erasing, shifting, moving; see column 14, lines 46-65 and column 15, lines 37-44) based on the detected characteristic of the emitted signal (see column 6, lines 16-23) and that route (a) the handwriting information to the input device (tablet 28) (see column 6, lines 16-23) and control information (i.e. erasing, shifting, moving) to the computing device (21) (see column 14, lines 46-65 and column 15, lines 37-44).

Kodama does not teach the use a second tip that emits a signal having a second characteristic. Brown teaches a second tip (33) that emits a signal having a second characteristic (i.e. eraser); see column 9, lines 26-54. Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have added a second tip as taught by Brown to the rear end of the Kodama's pen input device so that a user does not have to open a menu and select erasing function, thereby saving the processing of input the information on the screen (i.e., the process of writing/ erasing the information).

As to claim 19, this claim differs from claim 21 in that the limitation "the handwriting information to the input device" recited in claim 21 is changed to the limitation "the handwriting information for storage in the controller". Kodama clearly teaches the writing information stored in a controller (28-29, 33); see column 6, lines 16-23, column 7, lines 33-38.

As to claim 1, Kodama discloses a computing device as recited in claim 1 with exception of describing the use a second tip that emits a signal having a second characteristic. For example, Kodama teaches a computer system including a handwriting input device (28, 51) and a computing device (21), the handwriting input device including an electronic pen input device (51) having a first tip (i.e. tip of a stylus 51) that emits a signal having a first characteristic (e.g., characteristic of touch or draw ink data); see column 7, lines 34-38. Kodama teaches a detector for detecting the characteristic of the emitted signal; see column 14, lines 58-65. Kodama teaches a controller (28-29, 33) interface with the handwriting input device (28, 51) for selectively interpreting the emitted signal as handwriting (see column 6, lines 16-23) or as control information (e.g., erasing, shifting, moving; see column 14, lines 46-65 and column 15, lines 37-44) based on the detected characteristic of the emitted signal (see column 6, lines 16-23) and that route (a) the handwriting information for storage in the controller (28-29, 33) (see column 6, lines 16-23 and column 7, lines 33-38) and control information (i.e. erasing, shifting, moving) to the computing device (21) (see column 14, lines 46-65 and column 15, lines 37-44).

Art Unit: 2675

Brown teaches a second tip (33) that emits a signal having a second characteristic (i.e. eraser); see column 9, lines 26-54. Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have added a second tip as taught by Brown to the rear end of the Moran's pen input device so that a user does not have to open a menu and select erasing function, thereby saving the processing of input the information on the screen (i.e., the process of writing/ erasing the information).

As to claim 22, this claim is broader than claim 1 above since it does not recite the limitation "handwriting". Thus, it is analyzed as previously discussed with respect to claim 1 above.

As to claims 2 and 23-24, Brown clearly teaches the characteristic of the emitted signal depending on the tip selected by a user (i.e., tip 34 for writing function and tip 33 for erasing function).

As to claim 3, Brown teaches inking tip (34) for writing and second tip (33) including a non-inking tip (i.e., eraser).

As to claims 4 and 20, Brown clearly teaches the inking tip (34) and the non-inking tip (33) positioned opposite each other; see Figures 2-3.

As to claim 5, this claim is met by Brown. For example, a user can manipulate the pointer such as reverse position of the pointer to perform the eraser (33). This reads on claim 5.

As to claims 6 and 9, both Kodama and Brown teaches detecting inking pen stroke and displaying on the displayed device (i.e. writing information).

Art Unit: 2675

As to claims 7-8, Brown teaches non-inking tip pen (eraser 33) being used for display control such as object manipulation as broad claims. The claimed "object manipulation" is so broad that it reads on the eraser (33) erases the object displayed on the screen; see column 4, lines 53-64.

As to claims 12-13, Brown teaches the pen input device emitting infrared (IR) signals; see column 9, lines 39-54.

As to claims 16 and 25, Kodama clearly teaches a local memory (33-34) for storing data therein.

As to claims 17 and 26, Kodama clearly teaches a flash memory (33).

5. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kodama in view of Brown as applied to claim 1 above, and further in view of Skoog et al (U.S. Patent No. 6,441,810).

As to claims 10-11, note the discussion of Kodama and Brown, Kodama and Brown do not mention pen input device emitting radio frequency. Skoong teaches the use of modulating radio frequency in stylus (see column 2, lines 54-56 and column 7, lines 62-67. Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used radio frequency in stylus of Skoong to the pen input device of Kodama as modified by Brown so as to provide accurately delivering telemetry data from a stylus to a host computer (see column 1, lines 21-45 of Skoong).

Art Unit: 2675

6. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kodama in view of Brown as applied to claim 1 above, and further in view of Kobayashi et al (U.S. Patent No. 6,415,240).

As to claims 14-15, note the discussion of Kodama and Brown, Kodama and Brown do not mention pen input device emitting ultrasonic signals. Kobayashi teaches the use of modulating ultrasonic signals in stylus (see Figure 7 and see column 9, lines 3-34). Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used ultrasonic signals in stylus of Kobayashi to the pen input device of Kodama as modified by Brown so as to provide accurately the position of the oscillation detecting device (see column 3, lines 49-56 of Kobayashi).

7. Claims 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kodama in view of Brown as applied to claim 1 above, and further in view of Kato et al (U.S. Patent No. 5,963,199).

As to claims 18, note the discussion of Kodama and Brown, Kodama and Brown do not mention detector detecting the emitted signal through at least one sheet of paper. Kato teaches the use of a paper sheet (40) for drawing the image by an electronic pen (31) (see column 6, lines 2-5). Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used the sheet of paper as taught by Kato to the input device of Moran as modified by Brown because using a sheet of paper is relatively cheaper than any kind of touch detector such as LCD, RF detector.

Response to Arguments

8. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

In view of amendment, the new reference Kodama has been used for new ground of rejection to all independent claims 1, 19 and 21-22.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiries

Art Unit: 2675

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanh Nguyen whose telephone number is (703) 308-6603.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

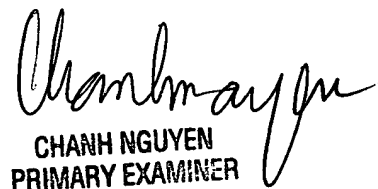
(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA, Sixth Floor (Receptionist)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



C. Nguyen
May 13, 2004



CHANH NGUYEN
PRIMARY EXAMINER